

SECTION 9. DEFINITIONS

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Attached Residential Development – Any development that provides 10 or more residential units that share an interior/exterior wall. This category includes, but is not limited to: dormitories, condominiums and apartments.

Automotive Repair Shop – A facility that is categorized in any one of the following Standard Industrial Classifications (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.

Best Management Practices (BMPs) – Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce, to the maximum extent practicable, the discharge of pollutants directly or indirectly to waters of the United States. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In the case of municipal storm water permits, BMPs are typically used in place of numeric effluent limits. The City of Chula Vista SUSMP (Section 3 of this Manual) groups storm water BMPs into the following categories: Site Design, Source Control, and Treatment Control (pollutant removal) BMPs.

Commercial Development – Any development on private land that is not exclusively heavy industrial or residential uses. The category includes, but is not limited to: mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses, hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities, automotive dealerships, commercial airfields, and other light industrial complexes.

Commercial Development Greater than 1 Acre – Any commercial development that results in the disturbance of one acre or more of land.

Conditions of Concern – Common impacts to the hydrologic regime resulting from development, which typically include increased runoff volume and velocity; reduced infiltration; increased flow frequency, duration and peaks; faster time to reach peak flow; and water quality degradation.

Construction Site – Any project, including projects requiring coverage under the General Construction Permit, that involves soil disturbing activities including, but not limited to, clearing, grading, disturbances to ground such as stockpiling, and excavation.

Detached Residential Development – Any development that provides 10 or more freestanding residential units. This category includes, but is not limited to: detached homes, such as single-family homes and detached condominiums.

Development – Any of the following activities:

1. The placement or erection of any solid material or structure on land, in water, or under water;
2. The discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste;
3. The grading, removing, dredging, mining, or extraction of any materials;
4. A change in the density or intensity of the use of land, including, but not limited to, a subdivision pursuant to the Subdivision Map Act (Government Code Section 66410, et seq.) and any other division of land, except where the division of land is brought about in connection with the purchase of such land by a public agency for public recreational use;
5. A change in the intensity of the use of water, or of access thereto;
6. The construction, reconstruction, demolition, or alteration of the size of an structure, including any facility of any private, public, or municipal entity; and
7. The removal or harvesting of major vegetation other than for agricultural purposes.

As used in this definition, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. (Source: Government Code Section 65927).

Development also means new development or redevelopment with land disturbing activities, structural development, including construction or installation of a building or structure, the creation of impervious surfaces, public agency project, and land subdivision.

Directly Connected Impervious Area (DCIA) – The area covered by a building, impermeable pavement, and/or other impervious surfaces, which drains directly into the storm drain without first flowing across permeable vegetated land area (e.g., lawns).

Dry Season – May 1 through September 30 of each year.

Environmentally Sensitive Areas (ESAs) – Areas that include but are not limited to all Clean Water Act Section 303(d) impaired water bodies (“303(d) water bodies”); areas designated as “Areas of Special Biological Significance” (ASBS) by the State Water Resources Control Board (*Water Quality Control Plan for the San Diego Basin (1994) and amendments*); water bodies designated with the RARE beneficial use by the State Water Resources Control Board (*Water Quality Control Plan for the San Diego Basin (1994) and amendments*); areas designated as preserves or their equivalent under the Multi Species Conservation Program (MSCP) within the Cities and County of San Diego; and any other equivalent environmentally sensitive areas which have been identified by the Copermittees. The limits of Areas of Special Biological Significance are those defined in the *Water Quality Control Plan for the San Diego Basin (1994 and amendments)*.

Environmentally sensitive area is defined for the purposes of implementing SUSMP requirements, and does not replace or supplement other environmental resource-based terms, such as “Environmentally Sensitive Lands,” that may be employed by the City of Chula Vista in its environmental or land development review processes.

Erosion – When land is diminished or worn away due to wind, water, or glacial ice. Often the eroded debris (silt or sediment) becomes a pollutant via storm water runoff. Erosion occurs naturally but can be intensified by land clearing activities such as farming, development, road building, and timber harvesting.

Grading – The cutting and/or filling of the land surface to a desired slope or elevation.

Hazardous Material – Any substance or mixture of substances which is toxic, corrosive, flammable, an irritant, a strong sensitizer, or generates pressure through decomposition, heat or other means, if such a substance or mixture of substances may cause substantial injury, serious illness or harm to humans, domestic livestock, or wildlife. These also include materials named by the USEPA in 40 CFR 116 to be reported if a designated quantity of the material is spilled into the waters of the U.S. or emitted into the environment.

Hazardous Waste – Hazardous waste is defined as “any waste, which, under Section 600 of Title 22 of this code, is required to be managed according to Chapter 30 of Division 4.5 of Title 22 of this code” [CCR Title 22, Division 4.5, Chapter 11, Article 1].

Hillside – Lands that have a natural gradient of 25 percent (4 feet of horizontal distance for every 1 foot of vertical distance) or greater and a minimum elevation differential of 50 feet, or a natural gradient of 200 percent (1 foot of horizontal distance for every 2 feet of vertical distance) or greater and a minimum elevation differential of 10 feet.

Hillside Development Greater than 5,000 Square Feet – Any development that would create more than 5,000 square feet of impervious surfaces in hillside with known erosive soil conditions.

Hydromodification – The change in the natural watershed hydrologic processes and runoff characteristics (i.e., interception, infiltration, overland flow, interflow and groundwater flow) caused by urbanization or other land use changes that result in increased stream flows and sediment transport. In addition, alteration of stream and river channels, installation of dams and water impoundments, and excessive streambed and shoreline erosion are also considered hydromodification, due to their disruption of natural watershed hydrologic processes.

Inactive Slopes – Slopes on which no grading or other soil disturbing activities are conducted for 7 or more days.

Infiltration – The downward entry of water into the surface of the soil.

Low Impact Development (LID) – A storm water management and land development strategy that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions.

Maximum Extent Practicable (MEP) – The technology-based standard established by Congress in CWA section 402(p)(3)(B)(iii) that municipal dischargers of storm water discharges must meet. Technology-based standards establish the level of pollutant reductions that dischargers must achieve, typically by treatment or by a combination of source control and treatment control BMPs. MEP generally emphasizes pollution prevention and source control BMPs primarily (as the first line of defense) in combination with treatment methods serving as a backup (additional line of defense). MEP considers economics and is generally, but not necessarily, less stringent than BAT. A definition for MEP is not provided either in the statute or in the regulations. Instead the definition of MEP is dynamic and will be defined by the following process over time: municipalities propose their definition of MEP by way of their urban runoff management programs. Their total collective and individual activities conducted pursuant to the urban runoff management programs becomes their proposal for MEP as it applies both to their overall effort, as well as to specific activities (e.g., MEP for street sweeping, or MEP for MS4 maintenance). In the absence of a proposal acceptable to the Regional Board, the Regional Board defines MEP.

In a memo dated February 11, 1993, entitled “Definition of Maximum Extent Practicable,” Elizabeth Jennings, Senior Staff Counsel, SWRCB addressed the achievement of the MEP standard as follows:

“To achieve the MEP standard, municipalities must employ whatever Best Management Practices (BMPs) are technically feasible (i.e., are likely to be effective) and are not cost prohibitive. The major emphasis is on technical feasibility. Reducing pollutants to the MEP means choosing effective BMPs, and rejecting applicable BMPs only where other effective BMPs will serve the same purpose, or the BMPs would not be technically feasible, or the cost would be prohibitive. In selecting BMPs to achieve the MEP standard, the following factors may be useful to consider:

- i. Effectiveness: Will the BMPs address a pollutant (or pollutant source) of concern?*
- ii. Regulatory Compliance: Is the BMP in compliance with storm water regulations as well as other environmental regulations?*
- iii. Public Acceptance: Does the BMP have public support?*
- iv. Cost: Will the cost of implementing the BMP have a reasonable relationship to the pollution control benefits to be achieved?*
- v. Technical Feasibility: Is the BMP technically feasible considering soils, geography, water resources, etc?*

The final determination regarding whether a municipality has reduced

pollutants to the maximum extent practicable can only be made by the Regional or State Water Boards, and not by the municipal discharger. If a municipality reviews a lengthy menu of BMPs and chooses to select only a few of the least expensive, it is likely that MEP has not been met. On the other hand, if a municipal discharger employs all applicable BMPs except those where it can show that they are not technically feasible in the locality, or whose cost would exceed any benefit derived, it would have met the standard. Where a choice may be made between two BMPs that should provide generally comparable effectiveness, the discharger may choose the least expensive alternative and exclude the more expensive BMP. However, it would not be acceptable either to reject all BMPs that would address a pollutant source, or to pick a BMP based solely on cost, which would be clearly less effective. In selecting BMPs the municipality must make a serious attempt to comply and practical solutions may not be lightly rejected. In any case, the burden would be on the municipal discharger to show compliance with its permit. After selecting a menu of BMPs, it is the responsibility of the discharger to ensure that all BMPs are implemented.”

Municipal Separate Storm Sewer System (MS4) – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian Tribal organization, or designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designated or used for collecting or conveying storm water; (iii) Which is not a combined sewer; (iv) Which is not part of the Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.26.

National Pollutant Discharge Elimination System (NPDES) – The national program for issuing, modifying, revoking and reissuing, termination, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Section s 307, 318, 402, and 405 of the CWA.

Natural Drainage – A natural swale or topographic depression, which gathers and/or conveys runoff to a permanent or intermittent watercourse or water body.

New Development – Land disturbing activities; surface grading for structural development, including construction or installation of a building or structure, the creation of impervious surfaces; and land subdivision.

Non-Storm Water – Any water conveyed to the storm water conveyance system that is not entirely composed of storm water (Also see definition of “storm water”). Non-storm

water includes illicit discharges, non-prohibited discharges, and NPDES permitted discharges.

Parking Lot – An open area, other than a street or other public way, used for the parking of motorized vehicles, whether for a fee or free, to accommodate clients or customers, or to accommodate residents of multifamily dwellings (i.e., apartments, condominiums, town homes, mobile homes, dormitories, group quarters, etc.).

Pollutant – Any agent that may cause or contribute to the degradation of water quality such that a condition of pollution or contamination is created or aggravated. Pollutant may include, but is not limited to, solid waste, sewage, garbage, medical waste, wrecked or discarded equipment, radioactive materials, dredged soil, rock, sand, sediment, industrial waste, and any organic or inorganic contaminant whose presence degrades the quality of the receiving waters in violation of Basin Plan or California Ocean Plan standards. “Pollutant” includes, but is not limited to, fecal coliform, fecal streptococcus, enterococcus, volatile organic carbon (VOC), surfactants, oil and grease, petroleum hydrocarbons, total organic carbon (TOC), lead, copper, chromium, cadmium, silver, nickel, zinc, cyanides, phenols, and biocides.

A “Pollutant” also includes any substance defined as a pollutant under 40 CFR Section 122.2 and any contaminant, which degrades the quality of the receiving waters in violation of Basin Plan or California Ocean Plan standards by altering any of the following parameters: pH, total suspended and settleable solids, biochemical oxygen demand (BOD), chemical oxygen demand (COD), nutrients, and temperature.

Pollutants of Concern – Pollutants for which water bodies are listed as impaired under CWA section 303(d), pollutants associated with the land use type of a development, and/or pollutants commonly associated with urban runoff. Pollutants commonly associated with urban runoff include total suspended solids; sediment; pathogens (e.g., bacteria, viruses, protozoa); heavy metals (e.g., copper, lead, zinc, and cadmium); petroleum products and polynuclear aromatic hydrocarbons; synthetic organics (e.g., pesticides, herbicides, and PCBs); nutrients (e.g., nitrogen and phosphorus fertilizers); oxygen-demanding substances (decaying vegetation, animal waste, and anthropogenic litter).

Pollution – As defined in the Porter-Cologne Water Quality Control Act: “the alteration of the quality of the waters of the State by waste, to a degree that unreasonably affects either of the following: 1) The waters for beneficial uses; or 2) Facilities that serve these beneficial uses.” Pollution may include contamination.

Pollution Prevention – Pollution prevention is defined as practices and processes that reduce or eliminate the generation of pollutants, in contrast to source control BMPs, treatment control BMPs, or disposal.

Post-Construction BMPs – A subset of BMPs including structural and non-structural controls which detain, retain, filter, or educate to prevent the release of pollutants to surface waters during the final functional life of developments.

Priority Development Projects – New development and redevelopment project categories listed in Section D.1.d(2) of Order No. R9-2007-0001, and Section 3.I of this Manual.

Project Footprint – The limits of all grading and ground disturbance, including landscaping, associated with a project.

Projects Discharging to Receiving Waters within Environmentally Sensitive Areas

All development and significant redevelopment that would create 2,500 square feet of impervious surfaces or increase the area of imperviousness of a project site to 10% or more of its naturally occurring condition, and either discharge urban runoff to a receiving water within or directly adjacent (where any portion of the project footprint is located within 200 feet of the environmentally sensitive area) to an environmentally area, or discharge to a receiving water within an environmentally sensitive areas without mixing with flows from adjacent lands (where the project footprint is located more than 200 feet from the environmentally sensitive area).

Receiving Waters – Surface bodies of water, as described in NPDES Permit No. CAS 0108758, which serve as discharge points for the storm water conveyance system, including creeks, rivers, reservoirs, lakes, lagoons, estuaries, naturally occurring wetlands, harbors, bays, and the Pacific Ocean. Receiving waters directly or indirectly receive discharges from urban runoff conveyance systems. For the purposes of this Manual, wetlands and the limits thereof are as defined by the United States Army Corps of Engineers and the United States Environmental Protection Agency. Constructed wetlands are not considered wetlands under this definition, unless the wetlands were constructed as mitigation for habitat loss. Other constructed BMPs are not considered receiving waters. Construction of treatment control BMPs is prohibited in “Receiving Waters” and may not be used to satisfy SUSMP requirements.

Redevelopment – The creation, addition, and or replacement of impervious surface on an already developed site. Examples include the expansion of a building footprint, road widening, the addition to or replacement of a structure, and creation or addition of impervious surfaces. Replacement of impervious surfaces includes any activity that is not part of a routine maintenance activity where impervious material(s) are removed, exposing underlying soil during construction. Redevelopment does not include trenching and resurfacing associated with utility work; resurfacing and reconfiguring surface parking lots and existing roadways; new sidewalk construction, pedestrian ramps, or bike lane on existing roads; and routine replacement of damaged pavement, such as pothole repair.

Residential Development – Any development on private land that provides living accommodations for one or more persons. This category includes, but is not limited to: single-family homes, multi-family homes, condominiums, and apartments.

Restaurant – A facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812), where the land area for development is greater than 5,000 square feet. Restaurants where land development is less than 5,000 square feet shall meet all SUSMP requirements except for structural treatment BMP and numeric sizing criteria requirement and hydromodification requirement.

Sediment – Soil, sand, and minerals washed from land into water. Sediment resulting from anthropogenic sources (i.e., human induced land disturbance activities) is considered a pollutant. Order No. R9-2007-0001 regulates only the discharges of sediment from anthropogenic sources and does not regulate naturally occurring sources of sediment. Sediment can destroy fish-nesting areas, clog animal habitats, and cloud waters so that sunlight does not reach aquatic plants.

Significant Redevelopment – Development that would create, add, or replace at least 5,000 square feet of impervious surfaces on an already developed site that falls under a priority development project category. Where development results in an increase of less than 50% of the impervious surfaces of a previously existing development, and the existing development was not subject to SUSMP requirements, the numeric sizing criteria identified in Section 3.VI.2, Step 8 apply only to the addition, and not to the entire development. When redevelopment results in an increase of more than 50% of the impervious surfaces of a previously existing development, the numeric sizing criteria applies to the entire development. Significant redevelopment includes, but is not limited to: the expansion of a building footprint; addition to or replacement of a structure; replacement of an impervious surface that is not part of a routine maintenance activity; and land disturbing activities related with structural or impervious surfaces. Replacement of impervious surfaces includes any activity that is not part of a routine maintenance activity where impervious material(s) are removed, exposing underlying soil during construction. Significant redevelopment does not include trenching and resurfacing associated with utility work; resurfacing and reconfiguring surface parking lots; new sidewalk construction, pedestrian ramps, or bike lanes on existing roads; and replacement of damaged pavement.

Site Design BMP – Also known as a significant part of Low Impact Development (LID), means any project design feature that reduces the amount of impervious surfaces, disconnects impervious surfaces, reduces creation or severity of potential pollutant sources, and/or reduces the alteration of the project site's natural flow regime. Redevelopment projects that are undertaken to remove pollutant sources (such as existing surface parking lots and other impervious surfaces) or to reduce the need for new roads and other impervious surfaces (as compared to conventional or low-density new development) by incorporating higher densities and/or mixed land uses into the project design, are also considered site design BMPs.

Source Control BMP (both structural and non-structural) – Land use or site planning practices, or structures that aim to prevent urban runoff pollution by reducing the potential for contamination at the source of pollution. Source Control BMPs minimize the contact between pollutants and urban runoff. Examples include roof structures over trash or material storage areas, and berms around fuel dispensing areas.

Standard Urban Storm Water Mitigation Plan (SUSMP) – A plan developed to mitigate the impacts of urban runoff from Priority Development Projects.

Storm Water – Urban runoff and snow melt runoff consisting of only those discharges, which originate from precipitation events. Storm water is that portion of precipitation that flows across a surface to the storm water conveyance system or receiving waters. For the purposes of this Manual, storm water runoff and drainage from areas that are in a natural state, have not been significantly disturbed or altered, either directly or indirectly, as a result of human activity, and the character and type of pollutants naturally appearing in the runoff that have not been significantly altered, either directly or indirectly, as a result of human activity, shall be considered “unpolluted” and shall satisfy the definition of “storm water”.

Storm Water Best Management Practices (BMP) – Please see “Best Management Practices”.

Storm Water Conveyance System – Those municipal, private and/or natural drainage facilities within the City of Chula Vista by which storm water may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, catch basins, natural drainages, ditches, constructed channels, aqueducts, storm drains, pipes, street gutters, or catch basins.

Streets, Roads, Highways, and Freeways – Any project that is not part of a routine maintenance activity, and would create a new paved surface that is 5,000 square feet or greater used for the transportation of automobiles, trucks, motorcycles, and other vehicles. For the purposes of SUSMP requirements, Streets, Roads, Highways and Freeways do not include trenching and resurfacing associated with utility work; applying asphalt overlay to existing pavement; new sidewalk, pedestrian ramps, or bike lanes construction on existing roads; and replacement of damaged pavement.

Treatment Control BMP (Structural) – Any engineered system designed and constructed to remove pollutants from urban runoff. Pollutant removal is achieved by simple gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological, or chemical process.

Urban Runoff – All flows in a storm water conveyance system and consists of the following components: (1) storm water (wet weather flows) and (2) non-storm water illicit discharges (dry weather flows),

Waste – As defined in CWC Section 13050(d), “waste includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.

Article 2 of CCR Title 23, Chapter 15 contains a waste classification system that applies to solid and semi-solid waste, which cannot be discharged directly or indirectly to waters of the State and which therefore must be discharged to land for treatment, storage, or disposal in accordance with Chapter 15. There are four classifications of waste (listed in order of highest to lowest threat to water quality): hazardous waste, designated waste, non-hazardous solid waste, and inert waste.

Waters of the State – Any water, surface or underground, including saline waters within the boundaries of the State [CWC section 13050(e)]. The definition of the Waters of the State is broader than that for the Waters of the United States in that all water in the State is considered to be a Waters of the State regardless of circumstances or condition. Under this definition, an MS4 is always considered to be a Waters of the State.

Waters of the United States – As defined in the 40 CFR 122.2, the Waters of the U.S. are defined as: “(a) All waters, which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (b) All interstate waters, including interstate “wetlands;” (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands,” sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes; (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (3) Which are used or could be used for industrial purposes by industries in interstate commerce; (d) All impoundments of waters otherwise defined as waters of the United States under this definition; (e) Tributaries of waters identified in paragraph (a) through (d) of this definition; (f) The territorial seas; and (g) “Wetlands” adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) thorough (f) of this definition. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area’s status as prior converted cropland by any other federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA.”

Watershed – That geographical area which drains to a specified point on a watercourse, usually a confluence of streams or rivers (also known as drainage area, catchment, or river basin).

Wet Season – October 1 through April 30 of each year.